

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EQUINEES BOYLES,

Petitioner,

-vs-

Case No. 13-C-1140

EDWARD F. WALL,

Secretary of the Wisconsin Department of Corrections,¹

Respondent.

DECISION AND ORDER

In its answer, filed on January 22, 2014, the Respondent asserts that pro se Petitioner Equinees Boyles' ("Boyles") petition pursuant to 28 U.S.C. § 2254 should be dismissed for failure to exhaust administrative remedies. By his letter filed on October 29, 2014, Boyles seeks appointment of counsel to represent him in this matter citing his temporary loss of short-term memory due to chemotherapy.

To facilitate the Court's assessment of that request, Boyles must provide financial information by filing a petition and affidavit to proceed

¹ In a letter filed October 29, 2019, Boyles indicates that he is no longer incarcerated at the Jackson Correctional Institution and provides a Milwaukee residential address. The Wisconsin Department of Corrections website indicates that Boyles is on supervised release. See <http://offender.doc.state.wi.us> (last visited Nov. 12, 2014). The Court has substituted Edward D. Wall, Secretary of the Wisconsin Department of Corrections as the Respondent pursuant to Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

without prepayment of fees and/or costs and a statement signed under penalty of perjury that states the first and last dates during which he received/or is receiving chemotherapy. Boyles may also include any other information he wants the Court to consider in deciding whether it should appoint counsel to represent Boyles pursuant to 18 U.S.C. 3006A. Failure to file such information by the stated deadline will result in the denial of Boyles' motion for appointment of counsel.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

No later than November 26, 2014, Boyles **MUST** file a petition and affidavit to proceed without prepayment of fees and/or costs and a statement signed under penalty of perjury stating the time frame during which he received/or is receiving chemotherapy; and,

The Clerk of Court is directed to send Boyles a copy of the form petition and affidavit to proceed without prepayment of fees and/or costs together with his copy of this Decision and Order.

Dated at Milwaukee, Wisconsin, this 12th day of November, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge